

Godsey, Cindi

From: DeGering, Tracy
Sent: Monday, August 17, 2015 9:16 AM
To: Lidgard, Michael; Godsey, Cindi
Subject: FW: LMT Editorial: The law's being broken; where are the cops?

From: Werntz, James
Sent: Monday, August 17, 2015 9:46 AM
To: Kowalski, Ed; Ehrig, Lance; Owens, Ted; McLerran, Dennis; Pirzadeh, Michelle; Davies, Lauris
Cc: Holsman, Marianne; MacIntyre, Mark; DeGering, Tracy
Subject: FW: LMT Editorial: The law's being broken; where are the cops?

Editorial from the Lewiston Tribune forwarded by ICL, fyi. Jim

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From: Jonathan Oppenheimer [<mailto:joppenheimer@idahoconservation.org>]
Sent: Monday, August 17, 2015 9:37 AM
To: Kenknight, Jeff; Werntz, James
Subject: LMT Editorial: The law's being broken; where are the cops?

Jim and Jeff-
I wanted to make sure you saw this.
thanks,
jonathan

The law's being broken; where are the cops?

By Marty Trillhaase | Posted: Monday, August 17, 2015 12:00 am

Bonnie and Clyde.

John Dillinger.

Donnie "Ma" Barker.

George "Baby Face" Nelson.

They may have been flattered by how a Depression-era public pictured them as anti-heroes.

But they knew better.

They robbed banks.

They broke the law.

They were gangsters.

Now, we have a new breed of gangster

A public lands gangster.

The most notorious of this breed is Nevada deadbeat rancher Cliven Bundy, who treats the public grazing lands as his own and threatens any Bureau of Land Management agent with armed rebellion. Not willing to shed blood, federal officials have backed away.

You can see Bundy's influence at work among suction dredge miners.

Last year, the Southwest Idaho Mining Association set up shop along the Salmon River near Riggins.

Now it's Shannon Poe and the American Mining Rights Association of Coulterville, Calif., working a portion of the South Fork of the Clearwater River near Golden, Idaho.

Both are in clear violation of the Clean Water Act - which requires them to get a National Pollution Discharge Elimination Permit. Until the U.S. Fish and Wildlife Service or the National Marine Fisheries Service conclude disturbing the river bed doesn't harm threatened bull trout or steelhead in the river, the Environmental Protection Agency and the U.S. Forest Service have no authority to issue a permit.

Bonnie and Clyde didn't wrap themselves in the flag.

But Poe does. He says he's got the right to pollute the public's resource and undermine its wildlife under the Mining Act of 1872.

Baby Face Nelson never claimed he had a moral right to other people's money.

But Poe insists he already knows that pulling sediments - and heavy metals - from the river bed is not going to hurt anything. So why bother doing any scientific review?

Melvin Purvis eventually cornered and gunned down Dillinger.

But aside from issuing an official but unenforceable notice of noncompliance, the feds have backed off.

"The Forest Service is not going to take any physical action like pulling their dredges out of the water," Forest Service Supervisor Cheryl Probert told the Tribune's Eric Barker. "Our emphasis is really on working through the environmental analysis process to be able to authorize, with mitigation and a plan of operation, suction dredge mining on the South Fork."

Nor do these public lands gangsters have anything to fear from the local law.

"I don't know what they are fighting about. Everything is legal as far as I know and as far as the state of Idaho (says), and since (Forest Service officials) won't talk to me, I'm probably not going to find out," Idaho County Sheriff Doug Giddings told Barker.

Suppose you went into the national forest in the middle of this fire season and exercised your First Amendment rights by setting off fireworks.

Or you decided to forget the rules and start chopping down trees - or excavating a mine.

Say the wilderness boundary is no big deal and you decide to ride your ATV into it.

For the sake of argument, why not dispose of that pile of old tires at some deserted rangeland.

Or even refuse to pay your campground fee.

Do you think the feds would hand you a meaningless letter of non-compliance?

Do you think they'd hold back and research the issue?

Of course not.

You'd be physically evicted. Possibly arrested. Certainly fined. And you might find a less than complimentary report about your transgressions in the local newspaper.

But Poe is getting special treatment.

"If they had the authority, they would come back the next day with law enforcement officers, cited and arrested us - they didn't," Poe he told Barker.

Who's going to stop this public lands gangster?

Not the Forest Service.

Not the EPA.

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